

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DWAYNE A. RANSOM,)
)
)
Plaintiff,))
)
-vs-) Case No. CIV-15-828-F
)
)
TIM DOYLE, et al.,))
)
)
Defendants.))

ORDER

On April 28, 2016, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation with respect to various pending motions. Magistrate Judge Purcell specifically advised plaintiff of his right to file an objection to the Report and Recommendation by May 18, 2016. He also advised that failure to timely object to the Report and Recommendation would waive appellate review of the recommended ruling.

To date, no party has filed an objection to the Report and Recommendation. With no objection being filed, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation (doc. no. 48) issued by Magistrate Judge Purcell on April 28, 2016 is **ACCEPTED, ADOPTED** and **AFFIRMED**. The court **ORDERS** as follows:

- (1) Defendant Tim Doyle's Motion to Dismiss for Failure to Serve (doc. no. 41) is **DENIED** and plaintiff is **GRANTED** a second extension of time of 30 days from the date of the Report and Recommendation to effect

- service of process upon defendant, Tim Doyle, as provided in the Report and Recommendation;
- (2) The Motion to Dismiss by Defendant Enid Police Department (doc. no. 40) is **GRANTED** and defendant, Enid Police Department, is **DISMISSED** from the action with prejudice;
- (3) The Motion to Dismiss of Defendant Austin Burkes (doc. no. 42), the Motion to Dismiss of Defendant Dustin Fitzwater (doc. no. 43) and the Motion to Dismiss of Jason Priest to the extent it seeks to dismiss plaintiff's claim in Count I of the Second Amended Complaint (doc. no. 44), are **DENIED**;
- (4) The Motion to Dismiss of Defendant Jason Priest to the extent it seeks to dismiss plaintiff's claim in Count III of the Second Amended Complaint (doc. no. 44) is **GRANTED** and the claim alleged against defendant, Jason Priest, in Count III of the Second Amended Complaint, is dismissed with prejudice.

DATED June 2, 2016.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE